

REMARKS

This Application has been carefully reviewed in light of the Office Action dated April 1, 2009 (the "*Office Action*"). In the *Office Action*, Claims 7-26 are pending and rejected. Claims 1-6 have been previously canceled. Applicants amend Claims 11-13, 18-20, and 26. For the following reasons, Applicants respectfully request favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 7-9, 14-16, and 21-23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,752,313 issued to Caviles et al. ("*Caviles*"). Applicants traverse the rejection of these claims for the reasons discussed below.

Initially, Applicants note that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added); M.P.E.P. ch. 2131. "The ***identical invention*** must be shown in as ***complete detail as contained*** in the . . . claim ." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added); see also M.P.E.P. ch. 2131. In addition, "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. ch. 2131.

The Federal Circuit recently clarified this standard in *Net Moneyin, Inc. v. Verisign, Inc.*, 2008 WL 4614511 (Fed. Cir. 2008). In *Net Moneyin*, the Federal Circuit held that a finding of anticipation under 35 U.S.C. § 102 is proper only when a "reference discloses within the four corners of the document not only all of the limitations claimed but also ***all of the limitations arranged or combined in the same way*** as recited in the claim." *Net Moneyin* at *10 (emphasis added). The prior art reference must "***clearly and unequivocally*** disclose the claimed invention . . . ***without any need for picking, choosing, and combining various disclosures not directly related to each other by*** the teachings of the cited reference." *Id.* (emphasis added, internal typographical notations omitted).

Independent Claim 7 of the present Application recites:

A method for use in a Web Services system comprising:
providing a data repository storing a hierarchy of objects;
storing at least one first Business Service object under a first Business Entity object identifying a first business entity, the first Business Service object identifying a business service that is provided by the first business entity;
storing a Business Service Projection object under a second Business Entity object identifying a second business entity, the Business Service Projection object identifying that the second business entity offers an interface to the business service provided by the first business entity;
using one or more processing systems to receive a modification to the first Business Service object; and
using the one or more processing systems to automatically modify the Business Service Projection object in response to receiving the modification to the first Business Service object.

Whether considered alone or in combination with any other cited references, *Caviles* does not disclose, either expressly or inherently, each and every element of the claims. Certainly, *Caviles* does not disclose the identical invention with ***all of the limitations of Applicants' claims arranged or combined in the same way*** as Applicants' Claim 7.

As first and second examples, *Caviles* does not disclose, teach, or suggest at least the following claim elements recited in Claim 7:

- storing at least one first Business Service object under a first Business Entity object identifying a first business entity, the first Business Service object identifying a business service that is provided by the first business entity
- storing a Business Service Projection object under a second Business Entity object identifying a second business entity, the Business Service Projection object identifying that the second business entity offers an interface to the business service provided by the first business entity

In the *Office Action*, the Examiner points to the “acquiring bank” and “issuing bank” depicted in Figure 1 of *Caviles* for disclosure of Applicants' recited hierarchical arrangement of a business service object under a first business entity object and business service projection object under a second business entity object, respectively. (*Office Action*, page 2). Applicants respectfully disagree.

Rather, *Caviles* “relates to method and system for rapidly establishing credit card merchant accounts (MAs) whereby merchants can begin processing credit card transactions

or exchanging other data pertinent to such transactions nearly instantaneously after applying for a merchant account.” (*Caviles*, Figure 3; Column 1, lines 12-17; Column 5, lines 44-45; Column 8, lines 30-44). Figure 1 of *Caviles*, as relied upon by the Examiner, merely depicts “a schematic diagram of a typical set-up for processing credit card transactions over the Internet.” (*Caviles*, Column 2, lines 14-16). During the processing of a credit card transaction, *Caviles* discloses the following process:

During the course of an Internet transaction, a payment page is sent from the merchant 12 to the on-line customer 18 and displayed by the customer’s Internet browser. The customer enters his or her credit card number, the expiration date of the card, and the purchase amount in the designated fields of the payment page and selects a transmit function . . .

The browser transmit function sends the transaction data . . . to an Internet gateway 16 designated by the [Gateway Identification Number (GID)] associated with the merchant account] embedded within the payment page. The gateway directs the transaction to front-end processing center 24, also identified by the GID . . .

Once the transaction data reaches the front-end system 24, the transaction proceeds in the convention manner. The front-end processing center accumulates transactions throughout each business day. At the end of each day the front-end processing center batches the captured transactions to the various acquiring banks associated with the merchants whose transaction have been accumulated . . .

Once the acquiring bank receives the batched transactions, the bank performs an automated clearinghouse function on the transactions (ACH). As part of the ACH, the acquiring bank batches transaction files to each of the card issuing banks whose credit card holders have entered transactions captured by the front-end processing center and forwarded to the acquiring bank. The issuing banks post the transactions to their cardholders’ accounts to be listed on the cardholders’ monthly statements . . .

(*Caviles*, Column 2, line 37 through Column 3, line 14). Thus, Figure 1 of *Caviles* merely depicts a schematic diagram of the system and parties used to process a conventional credit card transaction. There is no disclosure of the hierarchical data structure required by Applicants’ claim language. Specifically, there is no disclosure in *Caviles* with regard to the “acquiring bank” of storing a first Business Service object under a first Business Entity object identifying a first business entity, as required by Applicants’ claim language. *Caviles* only states that the acquiring bank is the bank of the merchant. Even to the extent that the

acquiring bank is a “first business entity,” there is no disclosure of storing a business service object identifying a business service that is provided by the acquiring bank under the acquiring bank.

Likewise, there is no disclosure in *Caviles* with regard to the “issuing bank” of storing a Business Service Projection object under a second Business Entity object identifying a second business entity, as required by Applicants’ claim language. *Caviles* only states that the issuing bank is the bank of the customer. Even to the extent that the issuing bank is a “second business entity,” there is no disclosure of storing a business service projection object “identifying that the second business entity offers an interface to the business service provided by the first business entity.” The hierarchical data structure recited in Applicants’ claim language is absent from the disclosure of *Caviles*. For these reasons, *Caviles* does not disclose the identical invention with all of the limitations of Applicants’ claims arranged or combined in the same way as Applicants’ Claim 7.

As still another example, *Caviles* does not disclose, teach, or suggest “using the one or more processing systems to automatically modify the Business Service Projection object [under the second business entity] in response to receiving the modification to the first Business Service object [under the first business entity],” as recited in Claim 7. In the *Office Action*, the Examiner points Column 4, lines 43-47 of *Caviles* for disclosure of the recited claim elements. (*Office Action*, page 3). Applicants respectfully disagree.

In contrast to the system described above, *Caviles* discloses that “an application processing entity, such as an independent sales organization (ISO) or an acquirer bank (ACQ), is responsible for establishing merchant accounts, including assigning to the merchant merchant identification numbers (MIDs), terminal identification numbers (TIDs) and gateway identification numbers (GIDs) to enable the merchant to process credit card transactions.” (*Caviles*, Column 4, lines 8-15). Following a merchants’ application for a new merchant account, *Caviles* discloses:

The MID, TID, and GID assigned to the new merchant account (MA) are then sent to the merchant who can immediately use the MID, TID and GID assigned to it to process credit card transactions. The various credit card transaction processing systems over the Internet are also updated with the new MID, TID and GID assigned to the new MA.

(*Caviles*, Column 4, lines 41-47). Thus, *Caviles* merely describes that a merchant must have an account before it is allowed to process credit card transactions but that credit card systems are immediately notified of a new merchant identification number when a new merchant is added. *Caviles* does not disclose, teach, or suggest “using the one or more processing systems to automatically modify the Business Service Projection object [under the second business entity] in response to receiving the modification to the first Business Service object [under the first business entity],” as recited in Claim 7. For these additional reasons, *Caviles* does not disclose the identical invention with all of the limitations of Applicants’ claims arranged or combined in the same way as Applicants’ Claim 7.

For at least these reasons, Applicants respectfully request consideration and allowance of independent Claim 7, together with Claims 8-13 that depend on Claim 7. For analogous reasons, Applicants also request consideration and allowance of independent Claims 14 and 21, together with Claims 15-20 and 22-26 that depend on Claims 14 and 21, respectively.

Section 103 Rejections

The Examiner rejects Claims 10-13, 17-20, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over *Caviles*. Applicants traverse the rejection of these claims for the reasons discussed below.

A. Claims 10, 17, and 24

Claims 10, 17, and 24 are patentable at least because they depend on Claims 7, 14, and 21, respectively, which Applicants have shown above to be allowable. Additionally, Claims 10, 17, and 24 are patentable because they recite additional features and operation not disclosed, taught, or suggested in the prior art.

Specifically, Applicants respectfully contend that *Caviles* does not disclose, teach, or suggest in any manner that “when the modification to the first Business Service object comprises a request to delete the first Business Service object, the first Business Service object and the Business Service Projection object are deleted,” as recited in Claim 10, 17, and 24. With regard to the recited claim language, the Examiner takes Official Notice “that it is old and well known in the art to delete a data object in a database upon a request for deletion. For example, when a subscriber to an email list requests to be removed, the subscriber’s

information would be deleted from the email list.” (*Office Action*, page 4). However, Applicants’ claim language does not merely recite deleting an object in response to a request to delete that object. Rather, Applicants’ claim language specifically recites that “when the modification to the first Business Service object comprises a request to delete the first Business Service object, the first Business Service object and the Business Service Projection object are deleted.” Thus, in response to one request to delete an object, two objects under different business entity objects within the data hierarchy are deleted. The recited claim language is not obvious over the disclosure of *Caviles* in view of the Examiner’s official notice.

Furthermore, Applicants respectfully traverse the rejection of the claims on this basis. To the extent that the Examiner maintains this rejection based on "Official Notice," "well-known art," common knowledge, or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.107.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 10, 17, and 24.

B. Claims 11, 18, and 25

Claims 11, 18, and 25 are patentable at least because they depend on Claims 7, 14, and 21, respectively, which Applicants have shown above to be allowable. Additionally, Claims 11, 18, and 25 are patentable because they recite additional features and operation not disclosed, taught, or suggested in the prior art.

Specifically, Applicants respectfully contend that *Caviles* does not disclose, teach, or suggest in any manner that “a search of the data repository for services provided by the **second business entity** yields the business service provided by the **first business entity**,” as recited in Claim 11, 18, and 25. With regard to the recited claim language, the Examiner takes Official Notice “that it is old and well known in the art to have a search feature in a database.” (*Office Action*, page 4). However, Applicants’ claim language does not merely recite including a search feature. Rather, Applicants’ claim language specifically recites that “a search of the data repository for services provided by the **second business entity** yields

the business service provided by the **first business entity**.” The recited claim language is not obvious over the disclosure of *Caviles* in view of the Examiner’s official notice.

Applicants note the Examiner’s statement that “[t]he search query and the search results are considered non-functional descriptive language and thus are not given patentable weight.” (*Office Action*, page 4). While Applicants’ expressly disagree with the Examiner’s characterization of the claim language as being non-functional descriptive language, Applicants have amended Claims 11, 18, and 25 to more clearly recite function language. For example, Claim 11 recites that the method further comprises “searching the data repository for services provided by the second business entity and returning the business service provided by the first business entity.” Thus, Applicants’ claim recites affirmative steps and not non-functional descriptive language.

Furthermore, Applicants respectfully traverse the rejection of the claims on this basis. To the extent that the Examiner maintains this rejection based on "Official Notice," "well-known art," common knowledge, or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.107.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 11, 18, and 25.

C. Claims 12, 19, and 26

Claims 12, 19, and 26 are patentable at least because they depend on Claims 7, 14, and 21, respectively, which Applicants have shown above to be allowable. Additionally, Claims 12, 19, and 26 are patentable because they recite additional features and operation not disclosed, taught, or suggested in the prior art.

Specifically, Applicants respectfully contend that *Caviles* does not disclose, teach, or suggest in any manner that “a search of the data repository for services provided by the second business entity results in the first Business Service object being accessed,” as formerly recited in Claim 12, 19, and 26. With regard to the recited claim language, the Examiner takes Official Notice “that it is old and well known in the art to have a search feature in a database.” (*Office Action*, page 4). However, Applicants’ claim language does not merely recite including a search feature. Rather, Applicants’ claim language specifically

recites that "a search of the data repository for services provided by the **second business entity** results in the first Business Service object [under the **first business entity**] being accessed." The recited claim language is not obvious over the disclosure of *Caviles* in view of the Examiner's official notice.

Applicants note the Examiner's statement that "[t]he search query and the search results are considered non-functional descriptive language and thus are not given patentable weight." (*Office Action*, page 4). While Applicants' expressly disagree with the Examiner's characterization of the claim language as being non-functional descriptive language, Applicants have amended Claims 12, 19, and 26 to more clearly recite function language. For example, Claim 12 recites that the method further comprises "searching the data repository for services provided by the second business entity and accessing the first Business Service object." Thus, Applicants' claim recites affirmative steps and not non-functional descriptive language.

Furthermore, Applicants respectfully traverse the rejection of the claims on this basis. To the extent that the Examiner maintains this rejection based on "Official Notice," "well-known art," common knowledge, or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.107.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 12, 19, and 26.

D. Claims 13, 20, and 27

Claims 13, 20, and 27 are patentable at least because they depend on Claims 7, 14, and 21, respectively, which Applicants have shown above to be allowable. Additionally, Claims 13, 20, and 27 are patentable because they recite additional features and operation not disclosed, taught, or suggested in the prior art.

Specifically, Applicants respectfully contend that *Caviles* does not disclose, teach, or suggest in any manner that "the modification to the Business Service Projection object under the second business entity object is made by the first business entity and wherein the second business entity is prevented from making any modification to the Business Service Projection object," as recited in amended Claim 13, 20, and 27. With regard to the recited claim

language, the Examiner takes Official Notice “that it is old and well known that an issuing bank would not be able to make changes in an acquiring bank’s database. One independent business would not have access to another independent business’s database.” (*Office Action*, pages 4-5). However, Applicants’ claim language does not merely recite including a search feature. Rather, Applicants’ claim language specifically recites that “the modification to the Business Service Projection object **under the second business entity object is made by the first business entity** and wherein the second business entity is prevented from making any modification to the Business Service Projection object.” Thus, Applicants’ claim language does not specify two databases operated by two business entities as the Examiner suggests. Rather, Applicants’ claim language requires a data repository storing a particular hierarchy of objects and then requires that “the modification to the Business Service Projection object **under the second business entity object is made by the first business entity** and wherein the second business entity is prevented from making any modification to the Business Service Projection object.” This claim language is not obvious over the disclosure of *Caviles* in view of the Examiner’s official notice. Furthermore, even if the “acquiring bank” and “issuing bank” disclosed in *Caviles* were analogous to Applicants’ “first business entity object” and “second business entity object”, respectively (which clearly they are not), Applicants’ claim language reciting that the object “under the second business entity object is made by the first business entity” is counter to and directly opposite to the Examiner’s conclusion that one independent business would not have access to another independent business’s database. Accordingly, the Examiner’s reliance upon Official Notice is misplaced.

Furthermore, Applicants respectfully traverse the rejection of the claims on this basis. To the extent that the Examiner maintains this rejection based on "Official Notice," "well-known art," common knowledge, or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.107.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 13, 20, and 27.


CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed due; however, the Commissioner is hereby authorized to charge any fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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